

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

UNITED STATES OF AMERICA *ex rel.*  
RIBIK,

Plaintiffs,

v.

HCR MANORCARE, INC., *et al.*,

Defendants.

CIVIL ACTION NUMBER:

1:09-cv-0013 (CMH/TCB) (Lead Case)

**DEFENDANTS' MOTION FOR SANCTIONS REGARDING THE UNITED STATES'  
IMPROPER OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT**

Defendants HCR ManorCare, Inc., Manor Care, Inc., HCR Manor Care Services, LLC, and Heartland Employment Services, LLC (collectively the “Defendants”), by counsel, pursuant to Federal Rule of Civil Procedure 16(f)(1)(C), respectfully submit this Motion for Sanctions Regarding the United States’ Improper Opposition to Defendants’ Motion for Summary Judgment. For the reasons set forth in the accompanying Memorandum in Support, Defendants respectfully request that the following sanctions be imposed for these violations: (1) the facts contained in Defendants’ Statement of Undisputed Facts be deemed admitted to by DOJ and (2) that Appendix A to DOJ’s Opposition not be considered in ruling on Defendants’ Motion for Summary Judgement and the portion of DOJ’s Opposition containing its alleged Counterstatement of Undisputed Facts (Opp. at pp. 2-26), Appendices B and C, and all exhibits related thereto not be considered in ruling on Defendants’ Motion for Summary Judgment.

A proposed Order is attached.

Dated: November 3, 2017

Respectfully submitted,

HCR MANORCARE, INC.  
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HCR MANOR CARE SERVICES, LLC  
HEARTLAND EMPLOYMENT SERVICES,  
LLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of November 2017, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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